

**REMARKS**

In view of the following remarks, Applicants respectfully request reconsideration and allowance of the subject application. This amendment is  
5 believed to be fully responsive to all issues raised in the Office Action mailed June 22, 2004.

**Claim Rejections****Rejections Under 35 U.S.C. §103**

10 Independent claims 1, 10, and 28 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,862,325 to Reed (the '325 patent) in view of U.S. Patent No. 6,070,159 to Wilson (the '665 patent). Applicant traverses these rejections.

Independent claims 1, 10, and 28 each recite the limitations of:

15 identifying said data on said storage device;  
categorizing said identified data; and  
reallocating at least a portion of said identified data  
based on a category thereof.

20 The Action asserts that the '325 patent teaches identifying data on a storage device, and cites column 20, lines 15-17 and column 70, lines 26-31 to support the rejection. Applicant disagrees. The cited text reads as follows:

25 In addition to its composite type and composite value, each element 143 includes standard attributes such as system ID, name, description, version value, NewFlag, and HoldFlag. The system ID is a unique identification value in the database. Identification number assignments throughout the database are shown below.

30 File data includes data available directly via operating system calls such as files, persistent system objects, or any

other data stored directly in the user's local or network computer environment including removable storage devices mechanisms such as floppy disk drives, CD-ROM drives, or tape drives.

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Nothing in the cited text discloses or suggests *identifying data on a storage device*, as recited in the claims. Applicants note that the system ID referenced in the cited text uniquely identifies a network component (see column 24, lines 53-65). The system ID does not identify data on a storage device.

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The Action further asserts that the '325 patent teaches categorizing said identified data on a storage device, and cites column 7, lines 7-9 and column 20, lines 15-17 to support the rejection. Applicant disagrees. The cited text reads as follows:

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Each subject database covers a number of related interest topics under which all entries in the database are categorized.

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In addition to its composite type and composite value, each element 143 includes standard attributes such as system ID, name, description, version value, NewFlag, and HoldFlag. The system ID is a unique identification value in the database. Identification number assignments throughout the database are shown below.

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Nothing in the cited text discloses or suggests categorizing *said identified data*, as recited in the claims.

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The Action concedes that the '325 patent fails to disclose or suggest the limitation of reallocating data, but asserts that the '159 patent teaches this limitation, and relies upon column 9, lines 9-14, column 8, lines 56-61, and column 5, lines 30-36. The cited text reads as follows:

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Advantageously, the apparatus 10 preferably has the capabilities for readily expanding the searching capabilities by adding an additional biometric searching engine. To assist in accomplishing this desire, the apparatus 10 preferably includes

5 reassigning means for reassigning data groups from each of the plurality of biometric data groups 25 to the additional biometric searching engine for performing a search of biometric data therefrom. The apparatus 10 also preferably includes reference scoring so that upon enrollment, biometric data from an individual is compared to other entries to improve accuracy and distribution of non-matching scores or data.

10 The biometric data is preferably filed or stored by the indexes, and the indexes preferably have a known repeatability so that only a portion of data that is on a searching engine 30 needs to be searched to determined if desired matching biometric data, such as a fingerprint, is present. Preferably, the plurality of biometric indexes is generally uniformly or evenly distributed over the full range of biometric indexes.

15 As illustrated in FIG. 2, and as generally understood as being the server side 100 of the network, each of the plurality of biometric data groups 25 also includes a plurality of biometric records 12 each having at least one subject identifier, such as social security number, driver's license number, or other system assigned unique number, at least one biometric index, and biometric data. Each data group also preferably has a full range of biometric indexes. The full range is at least 90% of the full range of indexes or index values and, more preferably, at least 99% of the full range of indexes. The biometric data, for example, can be fingerprints or other biometric data that is scanned into a database 20 by a biometric scanner 11 which is preferably positioned at the client 15 in the network.

Nothing in the cited text discloses or suggests reallocating data in a storage medium, much less reallocating identified data based on a category thereof, as recited in the claims.

35 Independent claim 28 further recites the limitation of "means for alerting a user when a threshold for said categorized data is satisfied." The Action asserts that the '325 patent teaches this limitation, and cites column 7, lines 7-9 and column 89, lines 55-58 to support the rejection. Applicant disagrees. The cited text reads as follows:

40 Each subject database covers a number of related interest topics under which all entries in the database are categorized.

When this integer value reached a threshold, the termination method executes a notification method notifying the consumer, who may then take appropriate action.

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Nothing in the cited text discloses or suggests alerting a user when a threshold for said categorized data is satisfied, as recited in the claims. To the contrary, the integer value referenced in column 89, lines 55-58 is wholly unrelated to a *threshold for categorized data*, as recited in claim 28.

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In sum, the '325 patent, alone or in combination with the '159 patent, fails to disclose or suggest *any* of the limitations recited in independent claims 1, 10, and 28, much less the complete combination of elements recited in the claims. Therefore, the rejection under 35 U.S.C. §103(a) is improper and should be withdrawn.

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The remaining claims depend ultimately from one of independent claims 1, 10, or 28, and are allowable by virtue of their dependency. In addition, the remaining claims recite specific structural limitations neither disclosed nor suggested by the '325 patent, alone or in combination with the '159 patent. Accordingly, these rejections should be withdrawn.

**CONCLUSION**

Claims 1-29 are believed to be in condition for allowance. Applicants respectfully request reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of

5 the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Respectfully Submitted,  
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